

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SUSIE ODOGBA,

Plaintiff,

-vs-

Case No. 13-C-573

**WISCONSIN DEPARTMENT OF JUSTICE,
BONNIE L. CYGANER,
BRIAN R. O'KEEFE,
DAVID B. ZIBOLSKI,
KEVIN E. JONES, and
JANA L. CHAMPION,**

Defendants.

DECISION AND ORDER

With an August 31, 2015, trial date on the horizon, the remaining parties to this employment discrimination action filed a stipulation pursuant to Fed. R. Civ. P. 41(a)(1) for “dismissal of the **Complaint in this case with prejudice**, without costs or fees to either party, and without further Order being necessary from the Court.” (Emphasis added.) (ECF No. 20.) The contemporaneously filed letter from Plaintiff Susie Odogba (“Odogba”) states that she is filing the “parties’ stipulation for dismissal of the above-referenced matters.” (ECF No. 19.)

Rule 41(a)(1) refers to dismissal of the “action.” The importance of the distinction between dismissing a complaint and an action is one that

has been emphasized by the Seventh Circuit Court of Appeals. *See e.g. Berthold Types Ltd. v. Adobe Sys., Inc.*, 242 F.3d 772, 776–77 (7th Cir. 2001); *see also, Sarff v. Farmco, LLC.*, No. 11-3153, 2011 WL 3489842, at *1 (C.D. Ill. Aug. 10, 2011).

Additionally, as has been stated in the context of final judgments, “the dismissal of a complaint does not end the litigation . . . [I]n contrast, a dismissal of the entire action ends the litigation.” *Paganis v. Blonstein*, 3 F.3d 1067, 1070 (7th Cir. 1993) (citations omitted). Odogba’s letter clearly reveals the parties’ intent to dismiss the entire action, although the stipulation uses the word “complaint,” rather than action.


The Court could order the parties to file a revised stipulation. However, in light of Odogba’s letter, and bearing in mind Rule 1’s emphasis on administering the Federal Rules of Civil Procedure to insure the just, speedy, and inexpensive determination of every action and proceeding, the Court will direct that the Clerk of Court enter judgment dismissing the action with prejudice.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

The Clerk of Court is directed to enter **JUDGMENT DISMISSING
THE ACTION WITH PREJUDICE.**

Dated at Milwaukee, Wisconsin, this 13th day of July , 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge